

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Richmond Division)**

In re:

LECLAIRRYAN PLLC,  
  
Debtor.

Chapter 7

Case No. 19-34574 (KRH)

Lynn L. Tavenner, as Chapter 7 Trustee,  
  
Plaintiff,

vs.

Adv. Proc. No. 20-03142-KRH

ULX Partners, LLC, ULX Manager LLC,  
UnitedLex Corporation, and Gary LeClair  
  
Defendants.

**THIRD STIPULATION AND AMENDED PRE-TRIAL ORDER**

Plaintiff Lynn L. Tavenner, as Chapter 7 Trustee, (the “**Plaintiff**”) and Defendants ULX Partners, LLC, ULX Manager LLC, UnitedLex Corporation and Gary LeClair (collectively, the “**Defendants**”), subject to the approval of the Court, agree and jointly submit this Third Stipulation and Pre-Trial Order (the “Pre-Trial Order”) establishing the following schedule in this adversary proceeding.

Erika L. Morabito (VSB No. 44369)  
Brittany J. Nelson (VSB No. 81734)  
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*Counsel for Lynn L. Tavenner, Chapter 7 Trustee*

1. The trial shall be held from **April 18, 2022 through April 29, 2022** (the “Trial Date”), at **10:00 a.m.**<sup>1</sup>

2. Unless otherwise ordered by the Court, the trial shall be conducted by remote video conference via Zoom for Government in accordance with Richmond General Order 20-5. Persons seeking to attend or participate at the trial must register through the following link: <https://www.zoomgov.com/meeting/register/vJItcuCuqD0sHfjs0lcCEd7zfQCBE6oc2h8>

3. To the extent not already provided, the parties shall make the pretrial disclosures required under Rule 7026(a)(1) of the Federal Rules of Bankruptcy Procedure within 14 days following the Court’s entry of this Pre-Trial Order.

4. On or before **September 27, 2021**, Defendants shall file any motions to dismiss the First Amended Complaint (the “Motions to Dismiss”).

5. On or before **October 12, 2021**, Plaintiff shall file any Oppositions to Defendants’ Motions to Dismiss.

6. On or before **October 15, 2021**, Defendants shall file any Replies in support of the Motions to Dismiss.

7. A hearing on Defendants’ Motions to Dismiss shall be held on **October 19, 2021 at 11:00 a.m.**

8. Except as otherwise set forth herein, discovery shall be completed on or before **January 21, 2022**.

9. All dispositive motions, including summary judgment motions, must be filed no later than **January 28, 2022**.

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<sup>1</sup> Trial shall begin at 1:00 p.m. on April 20, 2022.

10. All oppositions to dispositive motions must be filed no later than **February 11, 2022.**

11. All replies in support of dispositive motions must be filed no later than **February 14, 2022.**

12. A hearing on any dispositive motions, including summary judgment motions, shall be held on **February 17, 2022 at 11:00 a.m.**

13. The parties shall make the disclosures of expert testimony required by Rule 7026(a)(2) of the Federal Rules of Bankruptcy Procedure no later than **February 7, 2022**, or, if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party under Rule 7026(a)(2)(B) of the Federal Rules of Bankruptcy Procedure, on or before 14 days after the disclosure made by the other party.

14. On or before **March 4, 2022**, counsel for the parties shall conclude any depositions of designated experts.

15. All Daubert Motions must be filed no later than **March 11, 2022.**

16. All oppositions to Daubert Motions must be filed no later than **March 18, 2022.**

17. All replies in support of Daubert Motions must be filed no later than **March 21, 2022.**

18. A hearing on any Daubert Motion shall be held on the **March Omnibus Date** scheduled in the main case associated with this adversary proceeding, or such other date to be determined by this Court.

19. On or before **March 28, 2022**, counsel for the parties shall meet at a mutually convenient location and make a good faith effort to narrow the issues in the trial and to enter into

written stipulations of any uncontroverted facts (the “Stipulation”). The Stipulation (or in lieu thereof, a joint statement of counsel that no agreement as to any uncontroverted facts could be reached) shall be filed with the Court on or before **April 4, 2022**.

20. On or before **April 4, 2022**, counsel for the parties shall file with the Clerk a list of proposed exhibits and the proposed exhibits. Unless the Court orders otherwise, the exhibits shall be filed in accordance with Richmond General Order 20-5.

21. Objections to any of the proposed exhibits shall be filed on or before **April 11, 2022**. Exhibits to which no timely objection has been made will stand as admitted into evidence.

22. Counsel for Plaintiff shall file a list of witnesses in accordance with Rule 7026(a)(3)(A) of the Federal Rules of Bankruptcy Procedure that Plaintiff intends to call to testify at trial on or before **April 4, 2022**; and counsel for Defendants shall file a list of witnesses in accordance with Rule 7026(a)(3)(A) of the Federal Rules of Bankruptcy Procedure that Defendants intend to call at trial not later than **April 8, 2022**. Counsel for Plaintiff may file a list of rebuttal witnesses on or before **April 11, 2022**.

23. Counsel for the parties shall file a designation of those witnesses whose testimony is expected to be presented by means of a deposition and a redacted transcript of the pertinent portions of the deposition testimony on or before **April 4, 2022**. Any other party may file counter designations of the redacted portions of the deposition transcript they deem relevant not later than **April 8, 2022**. Objections to the use under Rule 7032(a) of the Federal Rules of Bankruptcy Procedure of a deposition so designated by another party shall be filed on or before **April 11, 2022**.

24. Should a settlement be reached, counsel shall immediately file any motion required by Rule 9019 of the Federal Rules of Bankruptcy procedure for approval of the settlement (the

“Rule 9019 Motion”). Counsel shall schedule a hearing to be conducted not later than 28 days after the Trial Date to consider any Rule 9019 Motion and for presentation of a final order.

25. It is the responsibility of all counsel to be thoroughly acquainted with and follow the procedures set forth in the statutes, the national and local bankruptcy rules, and the requirements of the judge.

26. Any party not consenting to the entry of a final order by the Bankruptcy Judge shall file a Motion to withdraw the reference or for other appropriate relief within 14 days of the entry of this Pretrial Order and shall promptly set the matter for a hearing. The failure to comply with the terms of this paragraph shall be deemed to constitute consent to the entry of final orders by the Bankruptcy Judge.

IT IS SO ORDERED: Sep 17 2021

ENTERED: \_\_\_\_\_, 2021.  
Sep 20 2021

/s/ Kevin R Huennekens  
The Honorable Kevin R. Huennekens  
United States Bankruptcy Court Judge

WE ASK FOR THIS:

/s/ Erika L. Morabito

Erika L. Morabito (VSB No. 44369)  
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*Special Counsel to Lynn L. Tavenner, Chapter 7 Trustee*

WE ASK FOR THIS:

/s/ Thomas J. McKee, Jr.

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*Counsel to Defendant ULX Partners, LLC, ULX Manager LLC, UnitedLex Corporation*

SEEN AND OBJECTED to for the reasons stated on the record before the Court on September 8, 2021:

/s/Andrew M. Bowman  
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Andrew M. Bowman (VSB No. 86754)  
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and

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*Counsel for Defendant Gary LeClair*

### **CERTIFICATION**

I hereby certify that, pursuant to Local Rule 9022-1, the foregoing proposed Order has either been endorsed by and/or served upon all necessary parties.

Erika L. Morabito  
Erika L. Morabito